

## **IC 22-10-3**

### **Chapter 3. Administration; Certification of Certain Mine Workers**

#### **IC 22-10-3-1**

##### **Definitions; use of gender**

Sec. 1. As used in this article:

"Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, and open workings which are not ventilated and inspected regularly and from which all material has been removed.

"Active workings" means all places in a mine that are ventilated and inspected regularly.

"Approved" means any device or practice approved by the director.

"Assistant mine foreman" means a person employed to assist the mine foreman in the performance of his duties and to serve in his place in the absence of the mine foreman.

"Auger operator" means an individual, a firm, an association, a partnership, a limited liability company, or a corporation operating an auger mining operation.

"Auger mining" means any mining machine operation that drills, cuts, or removes coal from a coal seam along a surface mine highwall without removal of the surface material on top of the coal seam.

"Blower fan" means a fan tubing used to direct part of a particular circuit or air to the working face.

"Board" refers to the mining board established under IC 22-10-1.5-2.

"Booster fan" means an underground fan installed in conjunction with a main fan to increase the volume of air in one (1) or more circuits.

"Cable" means a stranded conductor (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

"Circuit" means a conducting part or a system of conducting parts through which an electric current is intended to flow.

"Circuit breaker" means a device for interrupting a circuit between separable contacts under normal or abnormal conditions.

"Commercial mine" means any underground mine from which coal is produced for sale, exchange, or commercial use.

"Director" means the director of the bureau of mines and mine safety established under IC 22-1-1-4.

"Fire boss" means a properly certified person designated by the mine foreman to examine the mine for gas and other dangers.

"Free from explosive gas" means not having any gas at levels designated as explosive in the regulations of the Secretary of Labor under the federal Mine Safety and Health Act of 1977.

"Fuse" means an overcurrent protective device with a circuit-opening fusible member directly heated and destroyed by the passage of overcurrent through it.

"High potential" means voltages in excess of six hundred fifty

(650) volts.

"Interested persons" means the director, authorized representatives of the mine workers' organization having jurisdiction at the mine, members of the mine safety committee, state and federal coal mine inspectors, and, to the extent required by law, any other person.

"Mine foreman" means the person charged with the responsibility of the general supervision of the underground working of a mine and the persons employed in the mine and for the health and safety of those employees.

"Mine inspector" means the person appointed to assist in administering this article.

"Operator" means an individual, firm, association, partnership, limited liability company, or corporation operating an underground coal mine or any part of a mine.

"Permissible" applies to any equipment, device, or explosive that has been approved as permissible by the United States Mine Safety and Health Administration and meets all requirements in the applicable permissibility schedule.

"Rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, with the following characteristics:

- (1) One hundred percent (100%) of which will pass through a sieve having twenty (20) meshes per linear inch.
- (2) Seventy percent (70%) or more of which will pass through a sieve having two hundred (200) meshes per linear inch.
- (3) The particles of the material when wetted and dried will not cohere to form a cake.
- (4) The particles will not be dispersed into separate particles by a light blast of air.
- (5) The material does not contain more than five percent (5%) of combustible matter nor more than a total of five percent (5%) of free and combined silica ( $\text{SiO}_2$ ).

"Shot-firer" means a properly certified person designated by the mine foreman to perform the functions as required in this article in connection with breaking down coal or rock.

"Substation" means an electrical installation containing generating or power conversion equipment and associated electric equipment and parts, such as switchboards, switches, wiring, fuses, circuit breakers, compensators, and transformers.

"Mine" means an underground coal mine.

"Person" includes natural persons, corporations, limited liability companies, partnerships, and any other legal entity.

"Man" or "men" includes woman and women. The masculine gender includes the feminine and the feminine includes the masculine.

*(Formerly: Acts 1955, c.168, s.15; Acts 1975, P.L.257, SEC.1.) As amended by Acts 1979, P.L.231, SEC.1; P.L.37-1985, SEC.47; P.L.243-1987, SEC.1; P.L.112-1992, SEC.5; P.L.8-1993, SEC.295.*

### **IC 22-10-3-2**

#### **Application of law**

Sec. 2. Unless the context requires otherwise, the provisions of IC 22-10-3 through IC 22-10-11 apply only to underground commercial coal mines.

*(Formerly: Acts 1955, c.168, s.16.) As amended by P.L.144-1986, SEC.182.*

### **IC 22-10-3-3 Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

### **IC 22-10-3-4**

#### **Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

### **IC 22-10-3-5**

#### **Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

### **IC 22-10-3-6**

#### **Director; powers and duties**

Sec. 6. (a) The director shall devote his entire time and attention to the duties of his office during working hours, and shall be subject to call at all times. The director and mine inspectors are authorized to enter, examine, and inspect all commercial coal mines and facilities belonging thereto, at any time, and the operator of any such mine is required to furnish the necessary facilities for entry, examination, and inspection.

(b) The director shall have full direction of the official activities of the mine inspectors and shall be responsible therefor.

(c) The director and each mine inspector are empowered to act as police officers, with full power to arrest and detain any person found violating any provision of the mining laws of Indiana or engaged in any attempt to violate such laws or parts thereof. However, no such person shall be detained for any period of time longer than twenty-four (24) hours without warrant or the filing of a charge against him in a court of competent jurisdiction. Such director and each mine inspector also shall have power, and it is their duty, to stop immediately the operation of any coal mine or part thereof when any dangerous or unlawful condition exists. However, where conditions exist justifying him to do so, he shall grant a reasonable length of time for making necessary repairs. Where a stop in operation is enforced, such director and mine inspectors shall be empowered to subsequently allow such mine or part of a mine to be reopened when the dangerous or unlawful conditions have been remedied or removed. If the operator or a workman believes that an inspector has acted illegally in citing violations of the law, they may appeal to the director for relief from such citation. The director may grant or deny such relief after a hearing, at which all interested parties have been notified of such hearing and given an opportunity

to present evidence in support of their contentions.

(d) It shall be the responsibility of the director to collect statistics relating to coal mining in the state.

(e) The director shall keep a properly indexed permanent record of all inspections made by himself and the mine inspectors, and copies of all reports relating to coal mines shall be kept on file, and all such records shall, at all times during office hours, be open to inspection by the public, and shall be laid before the governor at any time upon his request.

(f) The director is empowered to revoke, in writing, any order issued by a mine inspector for the purpose of stopping the operation of a mine or part thereof. However, such revocation of an order shall not be made unless and until the director has made a personal examination of the mine or part thereof affected and determined it to be in a safe condition to operate.

(g) The director or mine inspectors shall make a personal inspection of each underground coal mine in this state:

- (1) at least once every three (3) months, or oftener if practicable, while the mine is in operation;
- (2) whenever any danger to the workmen may exist; or
- (3) whenever called upon to do so by the workmen or their representatives.

During a regular inspection, the inspector shall inspect the surface plant; every working place in the mine; all active haulageways, travelways, and airways in their entirety; entrances to abandoned workings; accessible old workings; escapeways and all other places where men work or travel; electric equipment and installations; first aid equipment; ventilation facilities; communications installations; roof and rib conditions; and blasting practices, etc. The inspector shall measure the volume of air at the intake and return of the main ventilating current and of each split, and the amount passing through the last breakthrough in each pair or set of entries, and designate to the mine foreman where he shall measure the currents of air as required by the mining laws of this state. In mines operating more than one shift in a twenty-four (24) hour period, the inspector shall devote sufficient time to the second and third shift to determine conditions and practices related to the health and safety of the employees. He shall make tests for gas and oxygen deficiency in each place which he is required to inspect in the mine.

(h) The director or mine inspector making an inspection of a mine shall make an accurate report covering such inspection, showing:

- (1) the date of inspection and actual time required to make the inspection;
- (2) the condition in which the mine is found;
- (3) the extent to which the laws relating to mines are violated;
- (4) the progress made in the improvement of the mine, where such progress relates to the health and safety of the employees;
- (5) the number of fatal injuries and the number of nonfatal lost-time injuries resulting from accidents in and around the mine, and their cause; and

(6) in case any violation of the mining laws is found, the specific section or sections violated, with recommendations for correcting them, and the action taken to eliminate them.

(i) The director or mine inspector making an inspection of a mine shall within three (3) days after the completion of the inspection, deliver:

(1) one (1) copy of his inspection report on the mine to the operator, superintendent, or mine foreman of the mine inspected;

(2) one (1) copy to the mine safety committee, if such a committee is maintained;

(3) one (1) copy to the district office of the mine workers' organization having jurisdiction at the mine; and

(4) one (1) copy to be posted within the three (3) day limit on a bulletin board at a prominent place on the premises where it can be conveniently read by the employees. The report shall not be removed from such board until the report of the succeeding examination is posted.

The director or mine inspector shall keep the mine foreman or superintendent informed as much as is practicable of any violation or other unsafe condition as his regular inspection progresses. In instances where, in the opinion of the mine inspector, an imminent or serious disaster hazard exists, such inspector shall report the same to the director by the quickest available means.

(j) Mine inspectors shall report immediately upon being informed of a mine fire, mine explosion, or any accident resulting in loss of life or serious injury, to the director, to the nearest office of the United States Bureau of Mines, and to the district office of the mine workers' organization having jurisdiction at the mine.

(k) The mine inspector shall proceed immediately to the scene of any mine accident in his assigned territory that results in loss of life or serious personal injury, and to the scene of any mine fire or explosion regardless of whether there is loss of life or personal injury, shall make such investigation and recommendations and render such assistance necessary for the safety of the employees, and shall make a complete report thereof and give such report to the same distribution as a regular mine inspection report. The district president of the mine workers' organization having jurisdiction at the mine, or some person delegated by him, the mine safety committee at the mine involved, and federal coal mine inspectors shall be permitted to actively and fully participate in the investigation of any such accident and any hearings held in connection therewith, including the right to call, examine, and cross-examine witnesses. At all hearings held in connection with accidents that result in loss of life, the director and mine inspectors are empowered to compel the attendance of witnesses and administer oaths or affirmation to them, and the costs of such investigations shall be paid by the county in which the accident occurs, as costs of coroner's inquests are now paid.

(l) The mine inspector shall cooperate with the United States Mine Safety and Health Administration and mine management in

directing any necessary mine rescue and recovery work and in the reopening of any mine or part thereof that has been sealed, closed, or abandoned.

(m) It shall be the duty of the director and mine inspectors to enforce the coal mining laws of this state, and the mine inspectors shall perform such other official duties required by the director as may be necessary to secure full compliance with the coal mining laws of this state.

(n) The director or mine inspector shall notify the mine management and a representative of the miners at each mine inspected that a management representative and a representative of the miners shall have the opportunity to accompany the state inspector on an inspection. The miners' representative shall be a nonsupervisory employee of the mine designated by a majority of the miners at the mine. The management representative and the miners' representative shall not suffer a loss of pay from the employer of the representatives during the inspection. Compensation of more than one (1) miners' representative is not required in the case of any inspection conducted jointly with a federal mine safety and health inspection.

*(Formerly: Acts 1955, c.168, s.20.) As amended by Acts 1979, P.L.17, SEC.36; P.L.231-1983, SEC.6; P.L.112-1992, SEC.6.*

#### **IC 22-10-3-7**

##### **Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

#### **IC 22-10-3-8**

##### **Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

#### **IC 22-10-3-9**

##### **Examining board; records; inspection; application for certain certifications**

Sec. 9. (a) The director shall keep a record of the board's official actions concerning certificates issued under this chapter and file the record together with all questions and answers pertaining to examinations established by the board, including the grade given for the answer to each question. The record shall be open for inspection by interested persons. If applications for certification are received, the board shall meet at least quarterly at such time and place as it shall consider advisable for the purpose of examining applicants for certificates. These quarterly meetings shall be held on the second Saturday of January, April, July, and October unless the designated Saturday is a legal holiday in which case the meeting shall take place on the first Saturday thereafter which is not a legal holiday. The time and place of examination shall be published at all coal mines in this state at least thirty (30) days before the examination. By a majority vote, the board shall establish its rules of procedure and provide suitable certificates. The board shall adopt rules establishing

standards for the competent practice of mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, and mine electrician.

(b) Any person desiring certification for mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, or mine electrician shall make written application to the board on forms supplied by it no later than ten (10) days prior to the examination date.

*(Formerly: Acts 1955, c.168, s.23; Acts 1971, P.L.358, SEC.4.) As amended by Acts 1979, P.L.231, SEC.3; Acts 1981, P.L.222, SEC.18; P.L.37-1985, SEC.48.*

### **IC 22-10-3-10**

#### **Examining board; examination; certificates; qualifications for certification**

Sec. 10. (a) It is the duty of the board to examine any person applying for a certificate for mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, mine electrician, or belt examiner and to issue certificates of competency to the applicants who, upon examination, prove themselves competent and qualified. Certificates are valid only when the examination for them has been held in the presence of a majority of the members of the board and signed by all members of the board. A certificate of competency may not be issued to any person whose grade on any one (1) subject is less than seventy-five percent (75%). The board shall observe the requirements set forth in this section in conducting the examinations. Each applicant for a mine foreman or assistant mine foreman certificate must have at least four (4) years of experience underground in coal mines. However, persons who have graduated and hold a degree in engineering or an approved four (4) year program in coal mining technology from an accredited school, college, or university are required to have only two (2) years of practical underground mining experience to qualify for the examination, and persons who have graduated and hold a two (2) year associate in applied science degree in coal mining technology from an accredited school, college, or university are required to have only three (3) years of practical underground mining experience to qualify for the examination. Each applicant must prove to the board by written and oral examination and by demonstration, where applicable, that he has a thorough knowledge of:

- (1) the theory and practice of coal mining;
- (2) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection and control;
- (3) the requirements of the coal mining laws of this state; and
- (4) the responsibilities and duties of a mine foreman under such laws;

and that he is otherwise qualified by law.

(b) Each applicant for a fire-boss certificate must have at least three (3) years of experience underground in coal mines. However, persons who have graduated and hold a degree in engineering or an associate in applied science degree in coal mining technology from

an accredited school, college, or university are required to have only two (2) years of practical underground mining experience to qualify for the examination. Each applicant must prove to the board by written and oral examination and by demonstration, where applicable, that he has a thorough knowledge of:

- (1) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection and control;
- (2) the practical aspects of coal mining pertaining especially to ventilation and roof control; and
- (3) the responsibilities of a fire-boss under the coal mining laws of this state;

and that he is otherwise qualified by law.

(c) Each applicant for a shot-firer certificate must have at least one (1) year of underground experience and must have been properly trained in a course approved by the director in the safe use and handling of explosives. Each applicant must prove to the board by written and oral examination and by demonstration, where applicable, that he has a working knowledge of:

- (1) the proper handling and use of explosives and blasting devices and the danger connected therewith;
- (2) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection;
- (3) the coal mining laws of the state pertaining to ventilation, roof control, and blasting; and
- (4) the responsibilities of a shot-firer under those laws;

and that he is otherwise qualified by law.

(d) Each applicant for a hoisting engineer certificate must prove to the board by written and oral examination and by demonstration, where applicable, that he:

- (1) is capable of operating a hoist;
- (2) has a thorough knowledge of the coal mining laws of this state pertaining to hoisting operations; and
- (3) is otherwise qualified by law.

(e) Each applicant for a mine electrician or belt examiner certificate must have at least one (1) year of experience in mine electrical, belt maintenance, or installation work. He must prove to the board by written and oral examination and by demonstration, where applicable, that he has a thorough knowledge of:

- (1) the requirements of the coal mining laws of this state with particular emphasis upon those laws pertaining to the use of electrical or belt equipment and the transmission of electrical energy into coal mines; and
- (2) the responsibilities of a mine electrician or belt examiner under those laws;

and that he is otherwise qualified by law.

(f) Each applicant for an examination under this section must pay to the board an examination fee of twenty-five dollars (\$25), all fees to be deposited into the state treasury.

(g) Every mine foreman, fire-boss, shot-firer, hoisting engineer, or mine electrician certificate issued before September 1, 1979, is



valid under the mining laws of Indiana.

(h) Each person designated as mine superintendent or assistant mine superintendent, or acting in either capacity, must hold a mine foreman certificate.

(i) A certificate may be granted to any applicant who does present to the board satisfactory evidence that he has not been convicted of:

(1) an act which would constitute a ground for disciplinary sanction under section 11.1(b) of this chapter; or

(2) a felony that has a direct bearing on the applicant's ability to act competently as a mine foreman, fire-boss, shot-firer, hoisting engineer, mine electrician, or belt examiner.

*(Formerly: Acts 1955, c.168, s.24; Acts 1971, P.L.358, SEC.5; Acts 1973, P.L.242, SEC.1.) As amended by Acts 1979, P.L.231, SEC.4; Acts 1981, P.L.210, SEC.1; Acts 1981, P.L.222, SEC.19; Acts 1982, P.L.113, SEC.6; P.L.231-1983, SEC.7; P.L.37-1985, SEC.49.*

### **IC 22-10-3-11**

#### **Certificates; loss or destruction; duplicates; filing at mine office; inspection**

Sec. 11. (a) In event of loss or destruction of any certificate issued under the coal mining laws of this state, the board, upon satisfactory proof of such loss or destruction, shall issue a duplicate certificate on receipt of five dollars (\$5), which fee shall be deposited into the state treasury.

(b) The holder of a mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, electrician, or belt examiner certificate must present the same or a photostatic copy thereof to the official of the mine where he is employed, who shall file it in the office at such mine, and such file shall be made available for inspection by interested persons.

*(Formerly: Acts 1955, c.168, s.25.) As amended by Acts 1979, P.L.231, SEC.5; Acts 1981, P.L.210, SEC.2; Acts 1981, P.L.222, SEC.20; P.L.231-1983, SEC.8.*

### **IC 22-10-3-11.1**

#### **Practitioner; definition; standards of conduct; sanctions; grounds; submission to examination**

Sec. 11.1. (a) As used in this section, "practitioner" means an individual who holds a certificate issued under this chapter.

(b) A practitioner shall conduct his duties as he is so certified in accordance with the standards established by the board under section 9(a) of this chapter and is subject to the exercise of the disciplinary sanctions under subsection (e), if after a hearing, the board finds:

(1) the practitioner has employed or knowingly cooperated in fraud or material deception in order to obtain a certificate, or has engaged in fraud or material deception in the course of professional services or activities, or has advertised services in a false or misleading manner;

(2) the practitioner has been convicted of a crime which has a direct bearing on the practitioner's ability to continue to practice

competently;

(3) a practitioner has knowingly violated section 12 of this chapter, or any rule adopted by the board under section 9(A) under this chapter;

(4) a practitioner has continued to practice as certified although he has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction or severe dependency upon alcohol or other drugs which endangers the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to clients; or

(6) a practitioner has allowed his name or certificate issued to him under this chapter to be used in connection with any individual who renders mining services beyond the scope of his training, experience or competence.

(c) The board may order a practitioner to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(d) Failure to comply with a board order to submit to a physical or mental examination shall render a practitioner liable to the summary revocation procedures under subsection (f).

(e) The board may impose any of the following sanctions, singly or in combination, when it finds that a practitioner is guilty of any offense under subsection (b):

(1) permanently revoke a practitioner's certificate;

(2) suspend a practitioner's certificate;

(3) censure a practitioner;

(4) issue a letter of reprimand; or

(5) place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters which are the basis of probation;

(B) limit practice to those areas prescribed by the board; or

(C) continue or renew professional education under a practitioner approved by the board until satisfactory degree of skill has been attained in those areas which are the basis of the probation.

The board may withdraw the probation if it finds that the deficiency which required disciplinary action has been remedied.

(f) The board may summarily suspend a practitioner's certificate for a period of ninety (90) days in advance of a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if he is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and

each renewal may be for a period of ninety (90) days or less.

(g) A certificate issued under this chapter is automatically suspended upon the conviction of the practitioner of a felony under 30 U.S.C. 820. A practitioner whose certificate is suspended under this subsection may apply for reinstatement under subsection (h) if at least five (5) years have elapsed from the practitioner's date of discharge from probation, imprisonment, or parole from the felony.

(h) The board may reinstate a certificate which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety. As a condition for reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

(i) The board shall seek to achieve consistency in the application of the sanctions authorized in this section, and significant departures from prior decisions involving similar conduct shall be explained in the board's findings or orders.

*As added by Acts 1981, P.L.222, SEC.21. Amended by P.L.165-1997, SEC.1.*

### **IC 22-10-3-12**

#### **Certification required for employment; persons certified in other states; inexperienced miner identification pending certification**

Sec. 12. (a) It is unlawful for any person to serve in the capacity of mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, electrician, or belt examiner at any time unless he is properly certified. However, any person who meets the appropriate experience requirements of this chapter and who is properly certified in one (1) of these capacities or their equivalent in another state which recognizes the certification of Indiana may serve in such a capacity until the next examination by the board, whereupon the person must apply to the board for a certificate of competency in his particular classification.

(b) It is unlawful for an operator of a mine in this state to employ any person in the capacity of mine superintendent, assistant mine superintendent, mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, mine electrician, or belt examiner at any time unless the person is properly certified.

(c) Before any person certified in another state may perform in the capacity of mine superintendent, assistant mine superintendent, mine foreman, assistant mine foreman, fire-boss, shot-firer, hoisting engineer, electrician, or belt examiner in Indiana, he must personally present to the director or a member of the board evidence of the out-of-state certificate or certificates.

(d) Every inexperienced miner is required to wear an orange hard hat until the miner receives a certificate of competency.

*(Formerly: Acts 1955, c.168, s.26; Acts 1971, P.L.358, SEC.6.) As amended by Acts 1979, P.L.231, SEC.6; P.L.231-1983, SEC.9; P.L.37-1985, SEC.50; P.L.112-1992, SEC.7.*

### **IC 22-10-3-13**

**Certificate of competency; fee; report**

Sec. 13. (a) Except as provided in subsection (g), a person may not be employed underground in any coal mine in this state unless he possesses a certificate of competency issued by the director or the mine inspector by authority of the director. However, a person who does not possess a certificate may be employed to work with a person who does possess a certificate for the purpose of becoming qualified to obtain a certificate. Any person working to obtain a certificate must first obtain a permit from the director by stating his date of birth and residence address. The director shall grant a permit to each applicant who is of legal age and who has such intelligence and character that he will not be a danger to life and property.

(b) A certificate of competency shall be granted to each applicant who has had six (6) months experience underground in coal mines.

(c) The director's record shall include the names of all applicants for certificates and the names of all persons to whom certificates are issued correlated with the certificate numbers.

(d) The director or the mine inspector shall make available a portion of his inspection time to each mine for the purpose of issuing certificates to qualified applicants.

(e) Each applicant for a certificate must pay the director at the time of application a fee of five dollars (\$5). All money received shall be paid over to the state general fund at least once a month.

(f) Once every month each inspector shall report to the director the names of all persons issued certificates, the amount of money received, the names of all persons refused certificates, and the reasons for the refusals, and such reports shall be open for inspection by interested persons.

(g) If a person has been convicted of a felony under 30 U.S.C. 820 and fewer than five (5) years have elapsed from the person's date of discharge from probation, imprisonment, or parole, the person may not:

(1) obtain a certificate of competency;

(2) be employed to work with a person who does possess a certificate; or

(3) obtain a permit to work toward a certificate of competency; under subsection (a).

*(Formerly: Acts 1955, c.168, s.27; Acts 1971, P.L.358, SEC.7; Acts 1973, P.L.242, SEC.2.) As amended by Acts 1979, P.L.231, SEC.7; Acts 1981, P.L.210, SEC.3; P.L.37-1985, SEC.51; P.L.165-1997, SEC.2.*

**IC 22-10-3-14****Supervision of mines**

Sec. 14. Each commercial mine shall be supervised by one (1) or more certified mine foremen who shall see that the provisions of the coal mining laws of Indiana that pertain to their duties and to the health and safety of the employees are complied with. When the mine workings are so extensive that the mine foremen are unable personally to carry out the duties required of them by law, the

operator shall employ a sufficient number of properly certified assistants who shall act under the direction of the mine foremen. The mine foremen or their assistants shall not permit any person to work in an unsafe place except for the purpose of making it safe, and such work shall be under the direction and instruction of a certified official. The mine foremen shall provide such data and information regarding the operation of the mine as may be required by the director on blanks which shall be furnished by the director.

*(Formerly: Acts 1955, c.168, s.28.) As amended by P.L.231-1983, SEC.10.*

### **IC 22-10-3-15**

#### **Accidents; personal injuries; death; production; employment; reports**

Sec. 15. (A) The operator of each underground commercial mine shall report to the director on or before the 15th day following each calendar month certain information. Such information shall include the name of the operator, the name of the person in charge, the seam mined, the tons of coal produced, the number of men employed, the number of days the mine operated, the number of lost time accidents, the number of days lost during the month due to mine injuries, together with such information as may be required by the director. Forms for filing such reports shall be furnished by the director upon application therefor.

(B) The operator of any underground commercial mine shall notify the director immediately when an accident occurs which prohibits the normal operation of the mine for one (1) or more shifts, or for the remainder of the shift during which the accident occurred; and when any injury has been incurred that results in loss of life or requires the attendance of a physician or surgeon.

(C) It shall be the duty of the operator of any underground commercial mine to employ only persons certified under the coal-mining laws of this state as mine foreman, assistant mine foreman, fire boss, shot firer, and hoisting engineer.

(D) It shall be the duty of the operator of any underground commercial mine to operate such mine in full conformity with the coal-mining laws of this state.

*(Formerly: Acts 1955, c.168, s.29.)*